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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

USSN: 10/724,003

Filed: 11/26/2003

Applicant : Rogers.

Examiner: Footland, Lenard A

Group : 3682

Docket : 1313

DRAFT

Mail Stop

Commissioner for Patents

P.O.Box 1450

Alexandria, VA 22313-1450

Attention of Supervisory Examiner Charles Marmor Tel 1-571-272-7095

Sir,

Response to Office Communication regarding Election Requirement.

In response to the Office Action mailed 07/07/2005, Applicant hereby requests reconsideration of

the Primary Examiner's conclusion that Applicant's reply 5/17/2005 was not fully responsive.

Applicant faxed a draft request for reconsideration of the Examiner's holding 9/26/2005. However, during a subsequent telephone interview with Examiner Footland 09/29/2005, Examiner Footland insisted that the Reply 5/17/2005 was non responsive for the following reason:

In claim 17, Examiner Footland said that in Fig. 2 of the elected species of Figs. 1-9, "the plug 36 is NOT disposed WITHIN the cavity 34."

Applicant maintains that as recited in claim 17, and as clearly shown in Fig. 2, "a plug 36" IS "disposed within said cavity 34". Applicant's representative the undersigned explained by way of illustration that just as a cork is disposed in or within a bottle for sealing the bottle, the claimed plug 36 is disposed within the cavity 34 as shown in Fig. 2.

Furthermore, even if Applicant's representative is incorrect in the conclusion that the plug 36 is within the cavity 34, Applicants representative made a good faith Reply 5/17/2005 and fulfilled the statutory requirements and the USPTO Rules by:

- 1/ Electing the species of Figs. 1-9.
- 2/ Listing the claims that in Applicants opinion clearly read onto the species of Figs. 1-9.

The following is claim 17. However, Applicant has added thereto the reference numbers of the

elements thereof. All of the numbered elements are clearly shown in the attached Figs 1-9 of the elected species.

Claim 17 (With reference numerals added in bold)

17. A rod end device **10** for a motor vehicle, said device comprising: a ball **12** having an outer surface **14**, said ball **12** defining a supporting bore **16** that extends through said ball **12**; a race **18** for bearingly supporting said ball **12**, said race **18** defining a groove **20** which is in fluid communication with said outer surface **14** of said ball **12**; a rod end **22** for supporting said race **18**, said rod end **22** defining a channel **24** which is in fluid communication with said groove **20**; a tube **28** having a first and a second end **30, 32**, said tube **28** defining a cavity **34** which extends between said first end **30** and said second end **32** of said tube **28**, said first end **30** of said tube **28** sealingly cooperating with said rod end **22** such that said cavity **34** is disposed in fluid communication with said channel **24** so that a flow of lubricant **L** disposed within said cavity **34** to said outer surface **14** of said ball **12** is permitted; a plug **36** disposed within said cavity **34** for inhibiting flow of the lubricant **L** from said second end **32** of said tube **28**; and a one way valve **26** connected to said channel **24** for supplying the lubricant **L** to said channel **24**.

In the faxed draft response 09/26/05, Applicant included all of the claims 1-18 with reference numerals added.

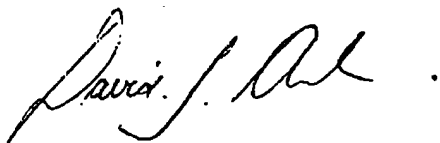
Applicant respectfully requests reconsideration of the holding that the Reply filed 5/17/2005 was

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non responsive.

Accordingly, Applicant requests that the Reply filed 5/17/2005 be accepted by the Examiner as fully responsive and that no extension of time be required for entry of such Reply.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David J. Archer".

David J. Archer.

Applicant's representative.

Reg No 31,076.